

ARMSTRONG KELLETT BARTHOLOW PLLC
Theodore O. Bartholow, III ("Thad")
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DEBTOR'S SPECIAL COUNSEL

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:	§	
	§	CASE NO. 13-30466-HDH-13
ERVIN FRANK LAYER	§	
	§	CHAPTER 13
DEBTOR	§	

AMENDED APPLICATION TO EMPLOY SPECIAL COUNSEL *NUNC PRO TUNC*

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Ervin Frank Layer, Debtor, and files this, his Application to Employ Special Counsel *Nunc Pro Tunc* and in support hereof would show the Court:

1. Debtor filed a voluntary petition under Chapter 13 of the Bankruptcy Code in this Court on February 1, 2013.
2. Debtor seeks to employ Theodore O. Bartholow, III and the law firm Armstrong Kellett Bartholow PLLC ("Applicant") as special counsel *nunc pro tunc* to August 13, 2014 in this case to investigate, and if appropriate, address issues relating to the servicing of debtor's mortgage loan by JPMorgan Chase Bank, N.A.
3. In the opinion of the Applicant and Debtors, Applicant is qualified to act as special counsel for the Debtor on her behalf. Mr. Bartholow's affidavit and resume are attached hereto as Exhibits "A" and "B" to this application.
4. Insofar as the Applicant and Debtor knows, the proposed special counsel has no

interest adverse to this estate. As evidenced by Mr. Bartholow's affidavit, the Applicant is a disinterested person as defined in § 101(14) of the Bankruptcy Code.

6. Debtor is represented by the Allmand Law Firm, PLLC in connection with the above-captioned chapter 13 bankruptcy case. The Allmand Law Firm, PLLC is unopposed to employment of Applicant for purposes of addressing the stay violations committed by Bank of America, N.A. The Co-Counsel Agreement between Applicant and Allmand Law Firm, PLLC is attached hereto as Exhibit "C."

7. Debtor has agreed to pay special counsel's attorney's fees on an hourly basis with the rates for Applicant's attorneys ranging from \$250-\$500 an hour, and rates for legal assistants ranging from \$75-\$200 an hour. The representation agreement between the Applicant and the Debtor is attached hereto as Exhibit "D."

8. Applicant and the Debtor believe that the fee arrangement in this case is reasonable and consistent with similar actions in other cases in this District.

9. The Debtor requests that the Court approve the retention of Applicant as reasonable and necessary to the effective resolution of their claims against JPMorgan Chase Bank, N.A. regarding the servicing of his mortgage loan.

10. Accordingly, Debtor moves the Court to approve, *nunc pro tunc*, employment of Applicant as special counsel for purposes of investigating and evaluating the violations, and if appropriate, negotiating settlement and/or filing an Adversary Proceedings against JPMorgan Chase Bank, N.A. on behalf of the Debtor.

WHEREFORE, PREMISES CONSIDERED, Applicant prays that the Court enter its Order employing Armstrong Kellett Bartholow PLLC as special counsel on the terms set forth in this application with compensation for reasonable and necessary fees to be approved by the

Court after notice and hearing.

Respectfully submitted,

ARMSTRONG KELLETT BARTHOLOW PLLC

/s/ Theodore O. Bartholow, III ("Thad")

Theodore O. Bartholow, III ("Thad")

Texas Bar No. 24062602

Karen L. Kellett

Texas Bar No. 11199520

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DEBTOR'S SPECIAL COUNSEL

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the attached Debtor's Application to Employ Special Counsel *Nunc Pro Tunc* has been served by mailing a copy of same to the parties listed on the attached matrix via ECF and via first class mail on September 23, 2014.

/s/ Theodore O. Bartholow, III ("Thad")

Theodore O. Bartholow, III ("Thad")

Label Matrix for local noticing
0539-3
Case 13-30466-bjh13
Northern District of Texas
Dallas
Tue Sep 23 11:03:47 CDT 2014

Bank of America N.A., et al c/o Prober & Rap
20750 Ventura Blvd, Suite 100
Woodland Hills, CA 91364-6207

Bank of America, N.A.
7105 Corporate Drive
Plano, TX 75024-4100

Dallas County
Linebarger, Goggan, Blair & Sampson LLP
c/o Sherrel K. Knighton
2323 Bryan St.
Ste. 1600
Dallas, TX 75201-2637

United States Trustee
1100 Commerce Street
Room 976
Dallas, TX 75242-0996

Richardson ISD
PERDUE BRANDON FIELDER ET AL
PO BOX 13430
ARLINGTON, TX 76094-0430

The Bank of New York Mellon, et al
c/o Prober & Raphael, A Law Corporation
P.O. Box 4365
Woodland Hills, CA 91365-4365

Bank of America, N.A., its assignees
and/or successors in interest
c/o Prober & Raphael, A Law Corporation
20750 Ventura Blvd., Suite 100
Woodland Hills, CA 91364-6207

Chase Card Services
Cardmember Service
P.O. Box 94014
Palatine, IL 60094-4014

Chase Home Finance
3415 Vision Dr.
Columbus, OH 43219-6009

Citibank - Student Loans
P.O. Box 6615
The Lakes, NV 88901-6615

Dallas county
c/o Sherrel K. Knighton
Linebarger Goggan Blair & Sampson, LLP
2323 Bryan Street Suite 1600
Dallas, TX 75201-2637

IRS - Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101-7346

JPMorgan Chase Bank
Chase Records Center
ATTN: CORRESPONDENCE MAIL
MAIL CODE LA4-5555
700 Kansas Lane
Monroe, LA 71203-4774

Lawrence Herrera
4717 W. Lovers Lane
Dallas, TX 75209-3135

RICHARDSON ISD
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PO BOX 13430
ARLINGTON, TX 76094-0430

Sallie Mae, Inc. on behalf of ECMC
ECMC
PO Box 75906
St. Paul, MN 55175-0906

The Bank of New York Mellon, et al
c/o Prober & Raphael
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National Payment Center
P.O. Box 5609
Greenville, TX 75403-5609

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Weldon Reed Allmand
Allmand Law Firm, PLLC
5646 Milton St., Ste. 120
Dallas, TX 75206-3929

(u)JPMorgan Chase Bank, National Association

End of Label Matrix

Mailable recipients	25
Bypassed recipients	1
Total	26